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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 DISTRICT COUNCIL 16 NORTHERN  
16 CALIFORNIA HEALTH AND WELFARE  
TRUST FUND, et al.,

17 Plaintiffs,

18 v.

19 RBE CONSTRUCTION INC., a California  
20 corporation, doing business as SLINGSHOT  
21 DRYWALL,  
Defendant.

Case No. 4:17-cv-03327-HSG

**SECOND JOINT REQUEST TO EXTEND  
MEDIATION COMPLETION DEADLINE  
BY 80 DAYS; ORDER**

22 Plaintiffs and Defendant RBE Construction, Inc. dba Slingshot Drywall, by and through their  
23 respective counsel of record, hereby respectfully request to extend the deadline to hold the mediation  
24 session by 80 days. Good cause exists for the continuance, as follows:

25 1. On October 26, 2017, the Court ordered the Parties to participate in mediation within the  
26 presumptive deadline of ninety days, (Dkt. No. 24), as stipulated. The deadline for the Parties to  
27 participate in mediation was January 24, 2018.

2. On November 13, 2017, the Court issued a Notice of Appointment of Mediator James H. Fleming (Dkt. No. 25).

3. The parties participated in a pre-mediation phone conference on November 29, 2017 with Mr. Fleming, and scheduled a mediation hearing for January 22, 2018.

4. In late December 2017, Defendant provided documents necessary to complete the pending audit to Plaintiffs' auditor, Lindquist, LLP ("Lindquist").

5. Lindquist initially advised Plaintiffs' counsel that a draft audit report would be completed in early February.

6. On January 28, 2018, the Parties submitted a joint request to extend the mediation completion deadline by 60 days. The Court granted that request and extended the mediation completion deadline to March 23, 2018 (Dkt. No. 29).

7. Plaintiffs' auditor Lindquist was unable to complete the draft audit in the timeframe initially estimated. The draft audit was not completed until March 7, 2018.

8. Defendant has not had the opportunity to review the audit in detail and respond to the specific findings.

9. The Parties believe that mediation will be most effective once the Defendant has had the chance to review the audit and the dispute process has been completed.

10. Counsel has discussed this with Mr. Fleming, the mediator, and he has expressed his support for the requested extension. Because of his travel schedule in May 2018, he will not be able to prepare and schedule the mediation until June.

11. The Parties therefore request that the Court extend the March 23, 2018 deadline to hold the mediation session by 80 days (June 11, 2018) to allow the Parties to complete the audit process prior to mediating.

DATED: March 9, 2018

**SALTZMAN & JOHNSON LAW  
CORPORATION**

By: /s/ Matthew P. Minser  
Matthew P. Minser  
Attorneys for Plaintiffs, District Council 16  
Nor. Cal. Health and Welfare Trust Fund, et al.

DATED: March 9, 2018

**SQUIRE PATTON BOGGS (US) LLP**

By: /s/ Wallace E. Smith  
Wallace E. Smith  
Attorneys for Defendant, RBE Construction, Inc.,  
et al.

CERTIFICATION RE: SIGNATURES

I attest that concurrence in the filing has been obtained from the other Signatory.

DATED: March 9, 2018

By: /s/ Wallace E. Smith  
Wallace E. Smith

**IT IS SO ORDERED.**

The deadline to hold the mediation session is extended by 80 days to June 11, 2018.

DATED: March 12, 2018

  
UNITED STATES DISTRICT COURT JUDGE